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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,022

08/18/2004

Fan Chieh Chang

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11/17/2006

EXAMINER

COHEN, AMY R

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION

P.O. BOX 506

MERRIFIELD, VA 22116

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/711,022

Applicant(s)

CHANG ET AL.

Examiner

Amy R. Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third frame must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, 9, 10, 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Storz (U. S. Patent No. 6,271,894).

Regarding claims 1, 4, 5: Storz teaches an adjustable machinery (Fig. 1) for tuning position of an optical device (12), the adjustable machinery comprising: a first frame (3) for locating the optical device, the first frame having a first alignment hole (a), a second alignment hole (3b), and a third alignment hole (Fig. 1, 3c); and a second frame (2) for locating the first frame, the second frame having a first adjustment hole, a second adjustment hole, and a third adjustment hole (Fig. 1, holes in frame 2 which align with holes 3a,b,c), and the first and the second frames can relatively shift along a first direction (Col 2, lines 15-27); wherein, when locating the first frame onto the second frame, the alignment holes and the adjustment holes are partially overlapped (Fig. 1), and relative positions of the first and the second frames can be adjusted by changing relative positions of the alignment holes and the adjustment holes (Fig. 1, Col 2, lines 15-45).

Storz teaches the adjustable machinery comprising a screw (5, 6) for fastening the frames.

Storz teaches the adjustable machinery wherein after adjusting relative positioned of the first and second frames, the screw is screwed to fasten the first and second frames (Col 2, lines 36-45).

Regarding claims 9, 10, 13, 14: Storz teaches an adjustable machinery (Fig. 1) for tuning position of an optical device, the adjustable machinery comprising: a first frame (3) for locating

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the optical device (12), the first frame having a plurality of alignment holes (3a,b,c); and a second frame (2) for locating the first frame, the second frame having a plurality of adjustment holes (Fig. 1, holes in frame 2 which align with holes 3a,b,c), and the first and the second frames can relatively shift along a first direction (Col 2, lines 36-45); wherein, when locating the first frame onto the second frame, the alignment holes and the adjustment holes are partially overlapped and can be used to adjust relative positions of the first and the second frames along the first direction (Fig. 1, Col 2, lines 15-45).

Storz teaches the adjustable machinery wherein relative positions of the first and the second frames are adjusted by changing relative positions of the alignment holes and the adjustment holes (Col 2, lines 36-45).

Storz teaches the adjustable machinery comprising a screw (5, 6) for fastening the frames.

Storz teaches the adjustable machinery wherein after adjusting relative positioned of the first and second frames, the screw is screwed to fasten the first and second frames (Col 2, lines 36-45).

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Runco (U. S. Patent No. 6,755,540).

Regarding claims 1-8: Runco teaches an adjustable machinery (200) for tuning position of an optical device (106), the adjustable machinery comprising: a first frame (208) for locating the optical device (106), the first frame having a first alignment hole (232), a second alignment hole (232), and a third alignment hole (232, Fig. 6); and a second frame (204) for locating the first frame, the second frame having a first adjustment hole (224), a second adjustment hole (224), and a third adjustment hole (224, Fig. 2), and the first and second frames can relatively shift along a first direction (Figs. 1-3, 6-9, Col 2, line 53-Col 3, line 59); wherein, when locating

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the first frame onto the second frame, the alignment holes and the adjustment holes are partially overlapped, and relative positions of the first and the second frames can be adjusted by changing relative positions of the alignment holes and the adjustment holes (Figs. 1-3, Col 2, line 53-Col 3, line 59).

Runco teaches the adjustable machinery comprising at least a guide device (220, 221).

Runco teaches the adjustable machinery wherein the guide device includes a trench (221) and a prominence (220, Fig. 2, Col 3, lines 26-44).

Runco teaches the adjustable machinery comprising a screw (226, 234) for fastening the frames.

Runco teaches the adjustable machinery wherein after adjusting relative positioned of the first and second frames, the screw is screwed to fasten the first and second frames (Figs. 1-3, Col 2, lines 53-67, Col 3, lines 45-59).

Runco teaches the adjustable machinery wherein a third frame (206) can be further located on the second frame (Figs. 1-3), and the second and third frames can relatively shift along a second direction (Col 3, lines 26-44).

Runco teaches the adjustable machinery wherein the first, the second, and the third alignment holes are rectangles (Figs. 2, 6, 7, the slots 232 are rectangular).

Runco teaches the adjustable machinery wherein the first, the second, and the third adjustment holes are rectangles (Fig. 2, the slots 224 are rectangular).

Regarding claims 9-15: Runco teaches an adjustable machinery (200) for tuning position of an optical device (106), the adjustable machinery comprising: a first frame (208) for locating the optical device (106), the first frame having a plurality of alignment holes (232, Figs. 1-3, 6, 7); and a second frame (204) for locating the first frame (Figs. 1-3), the second frame having a plurality of adjustment holes (224, Fig. 2), and the first and the second frames can relatively shift

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along a first direction (Figs. 1-3, 6-9, Col 2, line 53-Col 3, line 59); wherein, when locating the first frame onto the second frame, the alignment holes and the adjustment holes are partially overlapped and can be used to adjust relative positions of the first and the second frames along the first direction (Figs. 1-3, Col 2, line 53-Col 3, line 59).

Runco teaches the adjustable machinery wherein relative positions of the first and second frames are adjusted by changing relative positions of the alignment holes and the adjustment holes (Figs. 1-3, Col 2, line 53-Col 3, line 59).

Runco teaches the adjustable machinery comprising at least a guide device (220, 221).

Runco teaches the adjustable machinery wherein the guide device includes a trench (221) and a prominence (220, Fig. 2, Col 3, lines 26-44).

Runco teaches the adjustable machinery comprising a screw (226, 234) for fastening the frames.

Runco teaches the adjustable machinery wherein after adjusting relative positioned of the first and second frames, the screw is screwed to fasten the first and second frames (Figs. 1-3, Col 2, lines 53-67, Col 3, lines 45-59).

Runco teaches the adjustable machinery wherein a third frame (206) can be further located on the second frame (Figs. 1-3), and the second and third frames can relatively shift along a second direction (Col 3, lines 26-44).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose adjustment devices Lenox (U. S. Patent No. 7,065,894), Menard (U. S. Patent No. 6,657,797), Koba (U. S. Patent No. 6,226,055), Schairbaum (U. S. Patent No. 6,085,431), Ammann et al. (U. S. Patent No. 5,862,583), Eisler (U.

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S. Patent No. 4,832,452), Carrigan (U. S. Patent No. 4,164,076), and Converse et al. (U. S. Patent No. 3,789,892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC  
November 13, 2006

  
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